



Town of Tiburon

STAFF REPORT

redwood with glass panel railings. The bay window would be located on the west elevation, and the skylights would be located over the kitchen, hallway, and master bathroom. .

The proposed lot coverage of the project is 14.9%, which is below the 15% maximum for the RO-2 zoning district. The proposed deck would encroach five feet into the required front yard. Therefore a Variance for reduced front yard setback is requested (4 feet in lieu of the front yard minimum of 30 feet).

ANALYSIS:

Design Issues

The subject property is surrounded by single-family homes which are generally designed to take advantage of the views to the south and west. The existing front deck would be removed, and it would be replaced with an expanded deck. The deck would extend out from the residence to the south and east.

The deck would be located approximately 26 feet from the south side property line. The residence to the south is oriented to take advantage of the view to the south, so the location of the proposed deck should not have a significant noise or privacy impact on the neighboring property.

The deck would be highly visible from the roadway at Rolling Hills Road. The structure would also be highly visible from the property on the downhill side of Rolling Hills Road. Additional landscaping could be used along the roadway to help increase the privacy and visual impacts from the deck.

Although the proposed deck, bay window, and skylights would be visible from the adjacent neighbors and the residences across Rolling Hills Road, it does not appear that it would interfere with views or privacy from these homes.

Zoning

Besides the requested variance for reduced front yard setback, the project appears to be in conformance with the remaining development regulations of the RO-2 zoning district

Variance

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.**

The front property line is actually located in the middle of the roadway with the edge of pavement located approximately 10 feet from the easement line where the setback is measured from. This situation makes compliance with the front yard setback unusually difficult. The visual setback from the street would appear similar to surrounding



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residences. This condition creates special circumstances that would deprive the owners of the property of development privileges enjoyed by other properties in the vicinity.

- 2. The variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.**

Numerous other properties in the RO-2 zoning district and on Spring Lane and Rolling Hills Road in particular have received variances for reduced front yard setbacks. Therefore, the granting of this variance would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

- 3. The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.**

The strict interpretation of the front yard setback would require eliminating the deck altogether. Since the primary view from the property is to the south and west, it would be an unnecessary hardship on the property owners to strictly apply the Ordinance on this case.

- 4. The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.**

Due to the location of the easement line away from the roadway, the proposed deck would be located a sufficient distance from the street. As proposed, the project would not result in significant view, privacy or other impacts detrimental to the public welfare or injurious to other properties in the vicinity.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

Public Comment

To date, no letters have been received regarding the subject application

RECOMMENDATION:

It is recommended that the Board review this project with respect to Zoning Ordinance Sections 4.02.07 and 4.03.05(Guiding Principles and Variance Findings) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board agrees with Staff's conclusions, Staff would recommend that the attached conditions of approval be applied.

EXHIBITS:

1. Conditions of Approval
2. Application and supplemental materials dated November 8, 2005
3. Plans for the project

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EXHIBIT 1

CONDITIONS OF APPROVAL 5 ROLLING HILLS ROAD FILE #20545

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on November 8, 2005, or as amended by these conditions of approval. Any modifications to the plans of December 15, 2005, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. All exterior lighting fixtures must be down light type fixtures.
6. All skylights shall be bronzed or tinted and no lights shall be placed in the wells.
7. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.